



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SK/JMH
F. #2013R00948

*610 Federal Plaza
Central Islip, New York 11722*

June 23, 2020

By ECF

The Honorable Joseph F. Bianco
United States Circuit Judge
for the Court of Appeals, Second Circuit
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. Philip A. Kenner and Tommy C. Constantine
Criminal Docket No. 13-607 (JFB)

Dear Judge Bianco:

The government respectfully submits this brief supplement to its letter addressing issues raised by victim Owen Nolan related to restitution.

Mr. Nolan argues that his restitution amount should include his initial \$100,000 investment in the Hawaii project. The government notes that the evidence presented at trial indeed reflects that Mr. Nolan made an initial \$100,000 investment in the Hawaii project in 2003. See Trial Tr. 2064; GX-2106 at 1. However, the trial evidence also reflects that Mr. Nolan received \$100,000 from the Hawaii project, via two wire transfers of \$50,000 each, in 2005. See GX-2102 at 4, 6. For this reason, the government did not include an additional \$100,000 in the amount of restitution owed Mr. Nolan.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/
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cc: All counsel of record (via ECF)
Philip A. Kenner, defendant pro se (via certified mail)